



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- ☒ Notice with a scheduled hearing
☐ Notice without a scheduled hearing
☐ Republication of text. Complete the following cite for the volume, issue, and date of previous publication, as well as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: North Carolina Alarm Systems Licensing Board

2. Agency website postings:

- Text of proposed rule posted at: www.ncdoj.gov/ASL.aspx
- Explanation and reason for proposed rule posted at: www.ncdoj.gov/ASL.aspx
- Federal Certification posted at:
- Instructions for oral and written comments posted at: www.ncdoj.gov/ASL.aspx
- Fiscal Note if prepared posted at:

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☒ AMENDMENT: 12 NCAC 11 .0102, .0201, .0301, .0306

☐ REPEAL:

4. Proposed effective date: 11/01/12

5. Is a public hearing planned? ☒ Yes ☐ No

If yes: Public Hearing date: July 18, 2012

Public Hearing time: 2:00 p.m.

Public Hearing Location: 4901 Glenwood Avenue, Suite 200, Raleigh, NC 27612

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Action: These proposed changes are to provide the Board's new physical address, change that method by which application photographs may be submitted, make provisions for the Board's appointment of a provider of out-of-state criminal history records checks, and change the name of a national association that has had a change of name.

8. The procedure by which a person can object to the agency on a proposed rule: Objections to the proposed rule changes shall be submitted before the end of the comment period in writing to Terry Wright, Director, Alarm Systems Licensing Board, 4901 Glenwood Avenue, Suite 200, Raleigh, NC 27612.

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

9. The person to whom written comments may be submitted on the proposed rule:

Name: Terry Wright, Director, Alarm Systems Licensing Board

Address: 4901 Glenwood Avenue, Suite 200, Raleigh, NC 27612

Phone (optional): 919-788-788-5320

Fax (optional): 919-788-5365

E-Mail (optional):

10. Comment Period Ends: August 31, 2012

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- ☐ Local funds affected
Date submitted to OSBM:
- ☐ Substantial economic impact (\geq \$500,000)
- ☐ Approved by OSBM
- ☒ Approval by OSBM not required

12. Rule-making Coordinator: Jeffrey P. Gray

Address: P.O. Box 1351, Raleigh, NC 27602-1351

Phone: 919-828-0731

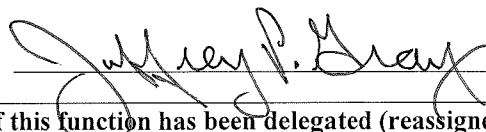
E-Mail: jgray@bdixon.com

Agency contact, if any:

Phone:

E-mail:

13. Signature of Agency Head* or Rule-making Coordinator:



*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Jeffrey P. Gray

Title: Rule-making Coordinator

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2 **12 NCAC 11 .0102 LOCATION**

3 The administrative offices of the Alarm Systems Licensing Board are located ~~1631 Midtown Place, Suite 104, Raleigh,~~
4 ~~North Carolina 27609~~ 4901 Glenwood Avenue, Suite 200, Raleigh, North Carolina 27612, telephone (919) 875-3611
5 (919) 788-5320.
6

7 *History Note: File a Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on*
8 *May 7, 1984;*
9 *Authority G.S. 74D-4; 74D-5*
10 *Eff. May 1, 1984*
11 *Amended Eff. October 1, 2012.*

SECTION .0200 - PROVISIONS FOR LICENSEES

12 NCAC 11 .0201 APPLICATION FOR LICENSE

(a) Each applicant for a license shall complete an application form provided by the Board. This form and one additional copy shall be submitted to the administrator and shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant card provided by the Board;
- (2) ~~one two head and shoulders color photographs~~ digital photograph of the applicant in JPG format of acceptable quality for identification one inch by one inch in size and taken within six months prior to submission and submitted by e-mail to PPSB/ASLB-photos@ncdoj.gov or by compact disc;
- (3) ~~for residents of North Carolina statements of the results of a local criminal history records search by the city-county identification bureau or clerk of superior court in each county where the applicant has resided within the immediately preceding 48 months or a statewide criminal history records search for the past five years conducted by an Administrative Offices of the Courts' approved firm that conducts criminal history searches and bases its search on the criminal history database maintained by the North Carolina Administrative Offices of the Courts;~~
- (4) for out-of-state residents, statements of the results of a statewide criminal history records search for the past five years conducted by a Board approved company under contract with, or appointed by, the Board to conduct criminal history searches which bases its search on the criminal history database maintained by the state of residence;
- (5) the applicant's application fee; and
- (6) an Equifax credit check run within 30 days of the license application submission date.

(b) Each applicant must provide evidence of high school graduation either by diploma, G.E.D. certificate, or other equivalent documentation.

(c) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74D and the administrative rules during the personal meeting. The applicant shall sign a form provided by the Board indicating that the applicant has reviewed the information with the Board's representative and that the applicant has an understanding of G.S. 74D and the administrative rules.

(d) Each applicant for a branch office license shall complete an application form provided by the Board. This form and one additional copy shall be submitted to the administrator and shall be accompanied by the branch office application fee.

*History Note: Authority G.S. 74D-2; 74D-3; 74D-5; 74D-7;
Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;
Eff. May 1, 1984;
Amended Eff. December 1, 2012; February 1, 2012; January 1, 2007; September 1, 2006; March 1, 1993; July 1, 1987; January 1, 1986.*

SECTION .0300 - PROVISIONS FOR REGISTRANTS

12 NCAC 11.0301 APPLICATION FOR REGISTRATION

(a) Each licensee or qualifying agent shall submit and sign an application form for the registration of his employee on a form provided by the Board. This form, when sent to the board, shall be accompanied by:

- (1) a one set of classifiable fingerprints on a standard F.B.I. applicant card,
 - (2) ~~two photographs~~ one head and shoulders digital photograph of the applicant in JPG format of acceptable quality for identification and made taken within 90 days of the application one inch by one inch in size six months prior to submission and submitted by e-mail to PPSB/ASLB-photos@ncdog.gov or by compact disc;
 - (3) for residents of North Carolina statements of the results of a local criminal history records search by the city-county identification bureau or clerk of superior court in each county where the applicant has resided within the immediately preceding 48 months or a statewide criminal history records search for the preceding 48 months conducted by an Administrative Offices of the Courts' approved firm that conducts criminal history searches and bases its search on the criminal history database maintained by the North Carolina Administrative Offices of the Courts, and;
 - (4) for out-of-state residents, statements of the results of a statewide criminal history records search for the past 48 months conducted by a Board approved company under contract with, or appointed by, the Board to conduct criminal history search which bases its searches on the criminal history database maintained by the state of residence; and
- (4)(5) the registration fee required by 12 NCAC Chapter-11 .0302.

(b) The employer of an applicant who is currently registered with another alarm business shall complete an application form provided by the Board. This form shall be accompanied by the applicant's multiple registration fee.

(c) The employer of each applicant for registration shall retain a copy of the applicant's application in the individual applicant's personnel file in the employer's office.

(d) The employer of each applicant for registration shall complete and submit to the Board a certification of the background and criminal record check of every applicant signed by the licensee or qualifying agent. A copy of this certification shall be retained in the individual applicant's personnel file in the employer's office.

*History Note: Authority G.S. 74D-5; 74D-8;
Temporary Rule Eff. January 9, 1984 for a Period of 120 Days to Expire on May 7, 1984;
Eff. May 1, 1984;
Amended Eff. December 1, 2012; January 1, 2007; July 1, 1993; March 1, 1993; September 1, 1990;
November 1, 1988.*

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2 **12 NCAC 11 .0306 SUSPENSION OF AUTHORITY TO EXPEND FUNDS**

3 In the event that Board's authority to expend funds is suspended pursuant to G.S. 93B-2(d), the Board shall continue to
4 issue and renew licenses and all fees tendered shall be placed in an escrow account maintained by the Board for this
5 purpose. Once the Board's authority is restored, the funds shall be moved from the escrow account into the general
6 operating account.

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8 History Note: Authority G.S. 93B-2(b)
9 Eff. October 9, 2012.